THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

&

THE HON'BLE SRI JUSTICE D. APPA RAO

WP No.24658 OF 2007

22nd November, 2007

Between::

Chatla Sunitha W/o.Chatla Vijaya Kumar
R/o.Khammam ……. Petitioner

AND

Kurapati Baby W/o.T. Nagabhushan Rao
& Others ……. Respondents

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ORDER:: (per Sri GM,J)

This writ petition is filed seeking to issue a writ of mandamus declaring the award passed by the Lok Adalat under the Legal Services Authority at Khammam in LAC No.349 of 2005 arising out of OS No.8 of 1999 on the file of II Addl. District Judge, Khammam, as null and void, arbitrary and illegal and consequently set aside the said award in so far it relates to the petitioner herein and also direct the 17th respondent-Lok Adalat, Khammam District, to pass a fresh award duly showing the share of the petitioner and ensure that the said share is given to the petitioner either in cash through a demand draft or through property. Alternatively the petitioner also sought to direct the 17th respondent-Lok Adalat to return OS No.8 of 1999 to the appropriate District Court in Khammam in the event of lack of consensus between the parties.

Heard the learned counsel for the petitioner at length. Perused the impugned award.

The facts stated are that the petitioner herein is the 8th defendant in the suit filed by her sister being OS No.8 of 1999 on the file of II Addl. District Judge, Khammam, for partition of properties and allotment of due shares by meters and bounds. The dispute relates to partitioning of the suit properties among the brothers and sisters, since it is a suit for partition and separate possession of the property in question, the matter was referred to the Lok Adalat for settlement. Pursuant to reference, the

Lok Adalat, by the impugned award passed the award duly identifying the respective shares of the parties and accordingly passed the award which was signed by all the parties including their counsel.

Now the impugned award is sought to be set aside by the petitioner on the ground that she did not receive any amounts, muchless the amount of Rs.2,00,000/- as shown in the award towards her share, pursuant to the alleged award and her consent obtained was not a free consent. The various allegations made in the petition being disputed questions of fact, the correctness or otherwise cannot be gone into in these proceedings under Article 226 of the Constitution and, therefore, this writ petition is dismissed, at the admission stage itself, however, reserving liberty to the petitioner to approach the appropriate forum to challenge the impugned award, if so advised.

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Ghulam Mohammed, J

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D. Appa Rao, J

Dated: 22nd November, 2007

Nrg.